IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3042 OF 2007
IN
ARBITRATION PETITION NO. 165 OF 2005.
IN
AWARD NO. 21 OF 2000

M/s.Unique Integrated Transport and
Management Consultancies Pvt.Ltd. ... Applicant
Versus.
Mahanagar Telephone Nigam Ltd. ... Respondent.

Dr,K.K.Khanna for the Applicant.

None for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 27th August, 2007.

P.C.:

1. Heard the learned Counsel appearing for the Petitioner in the arbitration petition in support of this Notice of Motion. He stated that the Notice of Motion has been duly served to the Respondent and he will file affidavit of service within a period of one week from today.

2. The Petitioner had filed Notice of Motion No.2026 of 2006 for restoration of Arbitration Petition No.165 of 2005 which was dismissed in default. The said Notice of Motion was also dismissed in default by order dated 6th November 2006. The prayer made in the present Notice of Motion is either for restoration of the earlier Motion or in the alternative for restoration of

the arbitration petition.

3. I have perused the affidavit-in-support of the present Notice of Motion. In view of what is stated in paragraph 21 of the affidavit-in-support, Notice of Motion No.2026 of 2006 deserves to be restored. It is stated that the Advocate on record did not notice that the said Notice of Motion was listed on Board on 6th November 2006 and that is the reason the Advocate on record could not remain present.

4. Hence Notice of Motion is made absolute in terms of prayer clause (a).

5. Notice of Motion No.2026 of 2006 shall be set down for hearing on 17th September 2007. The Advocate on record for the Petitioner will give notice of the date fixed in the said Notice of Motion to the Respondent and will file affidavit of service.

Judge.